



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,319	01/26/2001	Aaron Haskal	WEBTW-55765	6699

7590 07/12/2006

David S. Sarisky, Esq.
FULWIDER PATTON LEE & UTECHT, LLP
Tenth Floor
6060 Center Drive
Los Angeles, CA 90045

EXAMINER

SHAND, ROBERTA A

ART UNIT	PAPER NUMBER
----------	--------------

2616

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,319

Applicant(s)

HASKAL, AARON

Examiner

Roberta A. Shand

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (U.S. 6434139 B1) in view of Ash (U.S. 6590867 B1).

3. Regarding claim 1, Liu teaches (figure 2 and col. 5 – col. 6, lines 26) a communications system for transmitting voice data packets from a source system including a base station (32) to a destination system over an IP packet-switched network (10) using a specified communication protocol, comprising: a source interface device (22) adapted to receive voice data packets of a specified format from the base station (32) of the source system and to reformat voice data packets to a format compatible with the specified communication protocol (Liu's gateway, 22 acts as applicants source interface device in that it maintains compatibility with existing protocols by performing protocol conversion col. 4, lines 41-57); and to route the packets over the IP packet-switched network (10) to a destination interface device (24) adapted to reformat the packet to the specified format and to output the reformatted voice packet to the destination system.

4. Liu does not explicitly teach a source gateway adapted to receive the reformatted voice data packets from the source interface device and to route the packets over the IP packet-

Art Unit: 2616

switched network to a destination gateway; wherein the destination gateway is adapted to route the reformatted packet to a destination interface device.

5. Ash teaches (fig. 1) a source gateway adapted to receive the reformatted voice data packets from the source interface device and to route the packets over the IP packet-switched network to a destination gateway, wherein the destination gateway is adapted to route the reformatted packet to a destination interface device. It would have been obvious to one of ordinary skill in the art to adapt this to Liu's system in order to communicate traffic over the IP network.

6. Regarding claim 2, Liu teaches (column 5) the IP packet-switched data network comprises any of the public Internet and private data networks using one of Frame Relay, ATM, Ethernet, Gigabit Ethernet and DSL, as a transport technology and the specified communication protocol is TCP/IP.

7. Regarding claim 3, Liu teaches (column 5, line 1-19) the specified format comprises any of GSM, CDMA, TDMA, FDMA, AMPS and D-AMPS.

8. Regarding claims 4 and 10, Liu teaches (fig. 2 and col. 5 – col. 6, line 26) the source system comprises: a wireless source telephone (30) adapted to convert voice signals to voice data packets in the specified format, the packets including a data indicating call type, wherein the wireless source telephone (30) is further adapted to transmit the data packets to the base station (32) (col. 5, lines 40-55); and a mobile telephone switching office (34) including a source

Art Unit: 2616

switching device adapted to receive the data packets, to recognize the call type, and to forward the packets to the destination interface device only for a specified call type (col.5, lines 55-58).

9. Regarding claim 5, as for a call type being local calls or long distant calls, Liu teaches (col. 1, lines 30-40) using the IP network for long haul call routing. Therefore it is inherent in Liu's system that a call type is either long haul (long distance) or short haul (local).

10. Regarding claims 6 and 12, Liu teaches (fig. 2 and col. 5 – col. 6, line 26) a source transceiver/ base station (32) for transmitting the voice data packets from the wireless source telephone to the source switching device.

11. Regarding claim 8, Liu teaches (fig. 2) a method of transmitting voice data packets from a source system to a destination system over an IP packet-switched network (10) using a specified communication protocol, comprising: routing source data packets to a source interface (22) reformatting voice data packets, of a specified format (PCM voice to packet), retrieved from the source system to a format compatible with the specified communications protocol (IP); routing the reformatted voice data packets over the IP packet-switched network (10) to a destination interface (24); reformatting the reformatted packets to the specified format (packets to PCM voice); and routing the re-reformatted voice data to the destination system (col. 5 – col. 6, lines 26).

12. Liu does not explicitly teach a source gateway adapted to receive the reformatted voice data packets from the source interface device and to route the packets over the IP packet-

Art Unit: 2616

switched network to a destination gateway; wherein the destination gateway is adapted to route the reformatted packet to a destination interface device.

13. Ash teaches (fig. 1 and col. 2) a source gateway adapted to receive the reformatted voice data packets from the source interface device and to route the packets over the IP packet-switched network to a destination gateway, wherein the destination gateway is adapted to route the reformatted packet to a destination interface device. It would have been obvious to one of ordinary skill in the art to adapt this to Liu's system in order to communicate traffic over the IP network.

14. Regarding claim 9, Liu teaches (fig. 2 and col. 5 – col. 6, lines 26) a communications system for transmitting voice data packets from a source system to a destination system over an IP packet-switched network (10) using a specified communication protocol (PSTN or IP), comprising: the source system including MTSO (34) that is adapted to receive local calls and long distance call and the long distance calls are routed to a source interface device (within the MSC, 34); the source interface device is adapted to further route the long distance calls to a source gateway (22) (col. 5, lines 41-54); the source gateway (22) adapted to receive the voice data from the source system, to convert the voice data into voice data packets compatible with the specified communications protocol (PCM voice to packet) and to route the packets over the IP packet-switched network (10); and a destination gateway (24) adapted to receive the voice data packets from the source gateway (22) over the IP packet-switched network (10), to convert the voice data packets into voice data (packet to PCM voice) and to route the voice data to the destination system.

Art Unit: 2616

15. Liu does not explicitly teach a source gateway adapted to receive the reformatted voice data packets from the source interface device and to route the packets over the IP packet-switched network to a destination gateway; wherein the destination gateway is adapted to route the reformatted packet to a destination interface device.

16. Ash teaches (fig. 1 and col. 2) a source gateway adapted to receive the reformatted voice data packets from the source interface device and to route the packets over the IP packet-switched network to a destination gateway, wherein the destination gateway is adapted to route the reformatted packet to a destination interface device. It would have been obvious to one of ordinary skill in the art to adapt this to Liu's system in order to communicate traffic over the IP network.

17. Claims 7 and 13-14 are rejected under 35 U.S.C. 103(a) as being obvious over Liu in view of Ash and further in view of the admitted prior art.

18. Regarding claims 7 and 13, as mentioned above Liu in view of Ash teaches all of the limitations of claim 1.

19. Liu and Ash do not teach the destination source comprising: a wireless destination telephone; a destination switching device and a destination transceiver/base station.

20. The admitted prior art teaches receiving re-reformatted data. Since Liu teaches communication between a wireless unit and a wired unit via the data network and the admitted prior art teaches communications between two wireless units without the data network, it would

Art Unit: 2616

have been obvious to one of ordinary skill in the art to adapt to Liu and Ash's system the idea of wireless communication utilizing the VoIP concept of Liu to take advantage of VoIP in the mobile environment.

21. Regarding claim 14, the admitted prior art teaches destination transceiver/base station.

22. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being obvious over Liu in view of Ash further in view of the admitted prior art and yet further in view of Lim (U.S. 6697355 B1).

23. Regarding claims 15 and 18, Liu teaches first wireless (30) and second (6) personal communication devices to transmit and receive voice data in at least local and long distance nodes; first switching office (34) that is adapted to receive local calls and long distance call and the long distance calls are routed to a source interface device (within the MSC, 34); first (22) and second (24) interface device.

24. Ash teaches as mentioned above, (fig. 1 and col. 2) a source gateway adapted to receive the reformatted voice data packets from the source interface device and to route the packets over the IP packet-switched network to a destination gateway, wherein the destination gateway is adapted to route the reformatted packet to a destination interface device. It would have been obvious to one of ordinary skill in the art to adapt this to Liu's system in order to communicate traffic over the IP network.

Art Unit: 2616

25. The admitted prior art teaches first and second local central offices (fig. 1). Since Liu teaches communication between a wireless unit and a wired unit via the data network and the admitted prior art teaches communications between two wireless units without the data network, it would have been obvious to one of ordinary skill in the art to adapt to Liu and Ash's system the idea of wireless communication utilizing the VoIP concept of Liu to take advantage of VoIP in the mobile environment.

26. Liu, Ash, and the admitted prior art do not explicitly teach a second switching office.

27. Lim teaches (fig. 4) a second switch office. It would have been obvious to one of ordinary skill in the art to adapt to Liu's system Lim's second switch office, as it is well known in the art.

28. Regarding claim 16, Lim teaches (abstract) the first interface device is configured to reformat data from wireless to IP and from IP to wireless.

29. Regarding claim 17, Liu teaches (fig. 2) the first and second gateway are configured to convert voice data into voice data packets (PCM voice to packet) for transmitting over a IP voice data network (10) and to reconvert voice data packets into voice data (packet to PCM voice)

30. Regarding claim 19, Liu teaches (fig. 2) first switching office to convert voice data from wireless to 64 kilobit circuit-switched format (PSTN, 8)) for transmittal to the central office (14). Liu does not teach a second switching office. Lim teaches (fig. 4) a second switch office. It

Art Unit: 2616

would have been obvious to one of ordinary skill in the art to adapt to Liu's system Lim's second switching office to take advantage of VoIP in the mobile environment.

31. Regarding claim 20, Liu teaches (fig. 2) the first and second gateways convert the voice data from 64 kilobit circuit-switched format to TCP/IP.

Response to Arguments

32. Applicant's arguments filed April 18, 2006 have been fully considered but they are not persuasive. Applicant argues that Ash does not teach source and destination gateway as recited in claim 1. Applicant is directed to col. 2, lines 34-37, where it states that voice traffic destined for transit through the IP network enters and exits the network via the voice/IP gateways, which means the voice/IP gateways routes the traffic to the routers through the IP network.

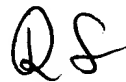
Conclusion

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

Art Unit: 2616

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 7571-273-8300.

35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roberta A Shand
Examiner
Art Unit 2616



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600